

### Remarks

At the time of the Office Action claims 1, 3-8, 10 and 12-17 were pending. Claim 15 stands rejected under 35 U.S.C. § 112 second paragraph. Claims 1, 3-6, 10, 12, 13, 16 and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US2006/0092474 to Ramsay et al. (hereinafter Ramsay). Claims 7, 8, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ramsay in view of U.S. Patent Application Publication No. US2003/0151674 to Lin (hereinafter Lin).

In the present response claims 1 and 15-17 are amended, and the balance of claims remains unchanged. Claim 15 is amended to change its dependency, providing antecedent basis for “the digital camera” and, thereby, obviating the § 112 second paragraph rejection. Claims 1, 16 and 17 are amended to more particularly and distinctly recite the Applicants’ method for distinguishing over the art of record. The present amendments are fully supported by the specification (see, for example, FIG. 6) and, therefore, no new matter is entered.

The Applicants concede that Ramsay discloses obtaining a brightness histogram, and calculating a standard deviation in brightness (referred to in Ramsay as a “Weighted Standard Deviation (WSD)”) and an average brightness (referred to in Ramsay as a “Weighted Mean” (WM)) from the histogram. However, the Applicants point out that Ramsay also calculates a Half Value Position (HVP) from the histogram and, further, that Ramsay uses all three of the WSD, WM and HVP to classify and subsequently enhance an image. As can be appreciated from Ramsay’s Table 1 (and FIGS. 6A-C that illustrate Table 1 in flowchart form), Ramsay uses the HVP in combination with the WSD and WM to analyze an image.

In view of the foregoing claims 1, 16 and 17 are amended to recite the Applicants’ methods more particularly and distinctly. In particular, claims 1, 16 and 17 are amended to recite the step of “calculating *exactly two* statistical values from the brightness histogram that define the digital image, the exactly two statistical values consisting of a standard deviation in brightness, and an average brightness.” (emphasis added) As mentioned above, Ramsay does not disclose, teach, suggest or contemplate using exactly two statistical values. In fact, paragraph 0015 of Ramsay states, “The method includes automatically analyzing a luminosity histogram associated with a particular image and deriving *at least three statistical functions* for the luminosity histogram, the statistical functions include a Weighted Mean (WM) function, a Half Value Position (HVP) function, and a Weighted Standard Deviation (WSD) function...” (emphasis added) In view of the foregoing, the Applicants submit that

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claims 1, 16 and 17 distinguish over Ramsay when taken alone or in combination with the remaining references of record.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/brian c. rupp/

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